

**TOWN OF BRIGHTON**

**ORDINANCE NO. 2026-O-8-2**

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 90 FIRE RESTRICTIONS IN WILDLAND-SUBURBAN INTERFACE AREAS AND DELEGATING AUTHORITY TO THE MAYOR TO IMPLEMENT, MODIFY, AND RESCIND SUCH RESTRICTIONS.**

**WHEREAS**, Utah Code § 10-8-84 authorizes the Town of Brighton (“Town”) to pass all ordinances and regulations, not repugnant to law, necessary and proper to provide for the safety, preserve the health, and protect the property of the Town and its inhabitants; and

**WHEREAS**, Utah Code § 11-7-1 requires every incorporated municipality to provide fire protection within its limits and authorizes a municipality to require burning permits before a fire is started on forest, wildland urban interface, brush, range, grass, grain, stubble, or hay land; and

**WHEREAS**, Utah Code § 15A-1-403(7) authorizes a political subdivision to enact a fire-code ordinance more restrictive than the State Fire Code in order to meet a public safety need; and

**WHEREAS**, Utah Code § 15A-5-202.5(1)(b), adopting and amending Section 310.8 of the International Fire Code, provides that, when the Fire Marshal determines that existing or historical hazardous environmental conditions necessitate controlled use of ignition sources, the legislative body of a municipality may prohibit the ignition or use of ignition sources in mountainous, brush-covered, forest-covered, or dry grass-covered areas, within 200 feet of waterways and similar features, and in the wildland urban interface; and

**WHEREAS**, Utah Code § 53-7-225, a municipality may not prohibit a person from discharging certain fireworks during the July 4 and July 24 holidays unless certain findings are made regarding hazardous environmental conditions; and

**WHEREAS**, the State of Utah and federal government may issue fire restrictions, but those restrictions do not universally apply within all corporate limits of the Town; and

**WHEREAS**, dry summer conditions frequently require fire and ignition source restrictions to be imposed, modified, or lifted more quickly than the Town Council's regular monthly meeting schedule allows, creating a risk to public health, safety, and property during the interval between meetings; and

**WHEREAS**, the Fire Marshal has determined that existing or historical hazardous environmental conditions necessitate controlled use of any ignition source, including fireworks, lighters, matches, sky lanterns, and smoking materials; and

**WHEREAS**, Utah Code §§ 10-3-710 and 10-3-711 authorize the Town to adopt provisions of state law and safety codes by reference, and to make such adoptions effective upon the filing of a copy with the Town Recorder; and

**WHEREAS**, the Town Council intends to adopt in the Town Code the substantive fire and ignition source restrictions that apply within the Town, and to delegate to the Mayor the authority to determine when defined triggering conditions exist and to implement, modify, or rescind those pre-established restrictions accordingly, subject to the Town Council's continuing supervision, ratification, and power to override; and

**WHEREAS**, this Ordinance is enacted pursuant to the authority cited above and the Town's general police power to protect the public health, safety, and welfare; and

**WHEREAS**, Amendments to Ordinance 2026-O-7-1, adopting fire restrictions matching the State of Utah Stage 2 Fire Restrictions within the Town of Brighton, can be made pursuant to this Ordinance.

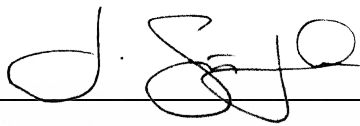
NOW, THEREFORE, be it ordained by the Town Council of Brighton, Utah, as follows:

**Section 1. Amended.** Chapter 9.90 Fire Restrictions In Wildland-Suburban Interface Areas is amended as attached in Exhibit A.

**Section 2. Effective Date.** This Ordinance shall take effect upon publication.

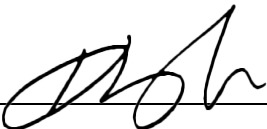
PASSED AND ADOPTED by the Brighton Town Council of Brighton, Utah, this 11<sup>th</sup> day of August, 2026.

TOWN OF BRIGHTON



Scotty John, Mayor

ATTEST:



Kara John, Town Clerk



## **Exhibit A**

### **9.90 FIRE RESTRICTIONS IN WILDLAND-SUBURBAN INTERFACE AREAS**

#### **9.90.010 Findings**

- A. The council finds that certain wildland-suburban interface areas exist in the town and that preservation of public health, safety and welfare requires the restriction of fireworks, smoking and other fires in such areas and certain surrounding areas as specified below, to reduce the risk of potentially devastating wildfires in the town.
- B. The Town Council wishes to allow the ability to impose additional fire and ignition source restrictions promptly and be aligned with State of Utah and federal restrictions without the delay caused by waiting for a regularly scheduled meeting of the Town Council.
- C. The Town Council finds that existing and historical hazardous environmental conditions occur within and around the Town during the dry summer months; that these conditions can change rapidly; and that a prompt, condition-based response administered by the Mayor, within the substantive limits established by this Chapter, is necessary and proper to protect the public health, safety, and welfare.
- D. The Fire Marshal shall at least annually determine that existing or historical hazardous environmental conditions necessitate controlled use of any ignition source.

#### **9.90.020 Definitions**

DIVISION 1.4G DANGEROUS EXPLOSIVE: As defined in section 53-7-202,(6), Utah Code Annotated, as amended.

HAZARDOUS ENVIRONMENTAL CONDITIONS has the meaning given in the State Fire Code, Utah Code § 15A-5-202.5(1)(b), and includes existing or historical conditions that necessitate the controlled use of ignition sources.

IGNITION SOURCE means any source of ignition, including open flames, campfires, charcoal or wood-burning devices, fireworks, sky lanterns, lighters, matches, smoking materials, welding or cutting equipment, internal-combustion equipment, and the discharge of firearms for target shooting.

OPEN FIRE or OPEN BURNING means the burning of any combustible material in an outdoor fire not contained within a fully enclosed device, including campfires, warming fires, bonfires, and the burning of vegetation, debris, or waste.

RESTRICTED AREAS:

A. Ravines, gullies, hillsides, vacant land, or mountainous areas where natural vegetation exists (including oak brush, conifers, sage brush, and other indigenous trees and plants), such that a distinct fire hazard is clearly evident to a reasonable person, and where that area is within the Town;

B. The Wildland Urban Interface Area; and,

C. Without limiting the foregoing, RESTRICTED AREAS shall also include those areas designated within the Town as a fire hazard on an annual basis by the Fire Marshal on maps conveyed to the Town Clerk. (Ord. 2021-O-3, 6-30-2021)

STATE OR FEDERAL RESTRICTIONS means any fire restriction, burn ban, closure, or wildfire-related order including stage restrictions issued by State of Utah, a United States department or agency, or another authority with jurisdiction over unincorporated lands adjacent to or surrounding the Town, including any modification, extension, renewal, or termination of such an order.

### **9.90.025 Wildland-Urban Interface Code**

1. The Utah Wildland-Urban Interface Code, 2006 Edition, published by the International Code Council, is hereby adopted as the Wildland-Urban Interface Code of the Town of Brighton for the regulation and governance of the mitigation of hazard to life and property from the intrusion of wildland exposure, fire from adjacent structures, and prevention of structure fires from spreading to wildland fuels in town.

2. Utah Wildland-Urban Interface Code, 2006 Edition, published by the International Code Council, together with any future amendments thereto shall, be maintained as public records with the Town Clerk are incorporated as a part of this Section.

3. All the lands within the town limits of the Town of Brighton are designated by the Utah Division of Forestry, Fire and State Lands as Wildland-Urban Interface.

### **HISTORY**

*Amended by Ord. 2025-O-10-1 on 10/16/2025*

### **9.90.030 Fire Restrictions**

1. The following restrictions on open flames and smoking are imposed on, over and within 300 feet of all wildland-suburban interface areas:
  1. Setting, building, maintaining, attending or using open flames of any kind is prohibited, except campfires in grills or permanently constructed fire pits at private residences that have pressurized water system or built within the facilities provided for them in improved campgrounds, or picnic areas;
  2. Smoking is prohibited, except within an enclosed vehicle or building, a developed recreation site or while stopped in the center of an area of at least ten feet in diameter that is barren or cleared to mineral soil or is covered by concrete or asphalt;
3. Cutting welding or grinding metal in areas of dry vegetation;
4. Operating a motorcycle, chainsaw, ATV or other small internal combustion engine without an approved and working spark arrestor; and

5. Shooting / Explosives: Prohibiting the discharge of a firearm for target shooting or the use of any explosive (including exploding targets).

2. The following restrictions on fireworks, tracer ammunition or other pyrotechnic devices are imposed:

1. Discharging or using any kind of division 1.4G common state approved explosive within any Restricted Area is prohibited.
2. Discharging or using any kind of division 1.4G common state-approved explosives on, over or within fifty feet of any wildland-suburban interface area is prohibited; and,
3. The negligent discharge of a division 1.4G common state approved explosive.

3. The restrictions in this section are effective from May 1 through October 31 each year, unless modified by the Council or the Mayor pursuant to Section 9.90.50.

E. The Fire Marshal shall determine before May 1 for that year whether existing or historical hazardous environmental conditions necessitate controlled use of any ignition source and shall designate.

F. Consistent with Utah Code §§ 53-7-225(5) and 15A-5-202.5(1)(b), the discharge of fireworks may be prohibited only within an area with hazardous environmental conditions that is designated and mapped, or where the discharge is negligent. The Mayor pursuant to Section 9.90.50 or the Town Council shall designate the closed area and deliver a map to Salt Lake County before May 1 of the year the area is closed.

#### 9.90.035: HEIGHTENED (STAGE 2) FIRE RESTRICTIONS

A. The restrictions in this Section take effect only upon implementation by the Council or by Order of the Mayor under Section 9.90.50 and only within the timeframe and the restricted area described in the order.

B. Heightened Restrictions:

Complete Ban Open Fires / Open Burning: Prohibiting any open fire or open burning of any kind, including fires fueled by liquefied or bottled gas outside of an improved area. (Gas or liquid-fueled devices with a shut-off valve remain allowed only when used in an area cleared of flammable material.) campfire, or stove fire. This includes charcoal grills and barbecues, coal and wood burning stoves and tent stoves and includes use at homes and in developed camping and picnic grounds. Except, devices using pellets, pressurized liquid or gas (stoves, grills or lanterns) that include shutoff valves are allowed when used in an area at least three feet or more from flammable material such as grasses or pine needles.

#### **9.90.040 Exemptions**

The following persons are exempt from the prohibitions in section 9.90.030:

1. Persons with a permit from the town, from the state of Utah or the United States of America, specifically authorizing the prohibited act at the specific location; and
2. Any town, state or federal firefighting officer or firefighting forces, including the Unified Fire Authority, or any peace officer, in the performance of an official duty.

#### **9.90.50 DELEGATION OF AUTHORITY TO THE MAYOR; PROCEDURE; NOTICE.**

- A. The Mayor is authorized without further action by the Town Council to implement, modify, and rescind the fire and ignition source restrictions or fireworks restrictions under this Chapter when the Mayor determines that any of the following triggering conditions exists:
  1. A State Or Federal Restriction applies to the region in or around the Town; or
  2. the Fire Marshal has determined that existing or historical hazardous environmental conditions exist within or around the Town that necessitate controlled use of ignition sources.
- B. The authority delegated by this Section is limited to the implementation, modification, and rescission of restrictions established by this Chapter.
- C. The Mayor shall implement, modify, or rescind restrictions by a written Order that
  1. states restrictions imposed,
  2. the Restricted Area (with a map where required),
  3. the effective date and time, and any exceptions
  4. the termination date.
- D. A restriction implemented under this Chapter takes effect upon posting of the written order, or at such later time as the order provides.
- E. The Mayor shall:
  1. File the written order with the Town Clerk, who shall maintain it as a public record and make it readily available to the public;
  2. Provide class A notice under Utah Code Section [63G-30-102](#), as amended; and
  3. provide notice of the order to the Mayor and each member of the Town Council.
- F. Restrictions remain in effect as provided in the Order. Orders may be modified or rescinded by the Mayor because the triggering condition has changed or ended.

#### **9.90.60 Retention of Council Authority**

- A. The Town Council retains full authority to modify, ratify, or rescind any restriction implemented under this Chapter, and to make ultimate policy decisions regarding fire and ignition source and Fireworks restrictions within the Town.
- B. Emergency Powers Preserved. Nothing in this Chapter limits or supersedes the authority of the Mayor or the Town to declare a local emergency or to exercise emergency powers under Utah Code Title 53, Chapter 2a, or other applicable law.

#### **9.90.070 Penalty**

Each violation of this chapter shall be a Class B misdemeanor. Except if a person discharges a division 1.4G common state approved explosive that person is guilty of an infraction, punishable by a fine of up to \$1,000.